



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

Sent via email only

December 3, 2021

Thomas J. Paskach
San Joaquin Renewables, LLC
1521 West F Avenue
Nevada, IA 50201

Re: Administrative Review - Notice of Incomplete Application
Underground Injection Control (UIC) Permit Application
Class VI Pre-Construction Permit Application No. R9UIC-CA6-FY22-2

Dear Mr. Paskach:

The United States Environmental Protection Agency, Region 9 (EPA) has received the San Joaquin Renewables, LLC (SJR) UIC Class VI Pre-Construction permit application via the Geologic Sequestration Data Tool (GSDT) on November 03, 2021 for a proposed injection well located in McFarland, California. EPA has reviewed the permit application, pursuant to 40 CFR §124.3(c), and determined it is incomplete. The following additional information is needed to make the application administratively complete.

General Application Information

- Please provide in the permit application narrative the physical address and location (township-range-section and latitude-longitude) of the proposed McFarland injection facility.
- Please provide in the permit application narrative up to four Standard Industrial Classification (SIC) codes for the facility.
- Please indicate in the permit application narrative whether the facility will be located on Indian lands.
- Please give a name to the proposed injection well in the permit application narrative.
- Please characterize in the permit application narrative the state (gas, liquid, or supercritical) of the carbon dioxide stream proposed for injection.

Considerations of Specific Federal Laws

40 CFR §144.4 requires that EPA consider the potential applicability of several specific Federal Laws, including the Wild and Scenic Rivers Act (WSRA), National Historic Preservation Act (NHPA), Endangered Species Act (ESA), Coastal Zone Management Act (CZMA), and the Fish and Wildlife Conservation Act (FWCA). To expedite our consideration of these laws, please describe how the proposed project will satisfy applicable requirements under these Federal Laws. For the ESA and NHPA, we have included some guidance below to assist you with obtaining the required information.

Endangered Species Act (ESA)

The ESA requires EPA to ensure, in consultation with the U.S. Fish and Wildlife Service (FWS), that any action authorized by EPA is not likely to jeopardize the continued existence of any endangered or threatened species or adversely affect its critical habitat. To facilitate EPA's consideration of ESA

compliance, we request that you use FWS's project planning tool to map out your project area and do a search for potential endangered species within your project area. The tool can be accessed here:

<https://ecos.fws.gov/ipac/>.

Based on the results of your search, you may need to hire a Wildlife Consultant to provide additional analysis or otherwise show how your project will not cause harm to endangered species with habitat located near the proposed project site. Please provide a report depicting the results of the FWS project planning tool, including a map of the project area and any listed endangered or threatened species habitat near the site. Please include any comments or reports made by a Wildlife Consultant, if applicable.

National Historic Preservation Act (NHPA)

NHPA §106 requires a federal agency to take certain steps before it commits to any "undertaking," including the issuance of a permit or license, that has the potential to adversely affect property that is listed, or eligible for listing, in the National Register for Historic Places. The NHPA requires EPA, before issuing a permit, to adopt measures when feasible to mitigate potential adverse effects of the permitted activity and properties listed or eligible for listing in the National Register of Historic Places. The Act's requirements are to be implemented in cooperation with State Historic Preservation Officers and upon notice to, and when appropriate, in consultation with the Advisory Council on Historic Preservation.

To facilitate EPA's consideration of NHPA compliance for SJR's proposed project, we request that you identify the Historic Places designated in the National Register for Historic Places (<https://www.nps.gov/subjects/nationalregister/database-research.htm>) in close proximity to the McFarland site. Based on the results of your review of the National Register of Historic Places listings in Kern County, you may need to hire an archaeologist to provide additional analysis or otherwise show how your project will not adversely affect the identified historic places located near the McFarland site. Please provide a list of the Historic Places near the site. Please include any comments or reports made by an archaeologist, if applicable.

Consideration of Well Stimulation Program

40 CFR §146.88(a) requires that all stimulation programs be approved by the EPA Director as part of the permit application and incorporated into the permit. If the initial permit does not include a stimulation program and the operator identifies a need for well stimulation later on in the life of the project, a major permit modification would be necessary. EPA suggests that SJR consider preparing and including a proposed well stimulation program in the permit application. A generic stimulation program may be used for the pre-construction phase of the project.

Quality Assurance and Surveillance Plan

40 CFR §146.90(k) requires that the applicant submit a Quality Assurance and Surveillance Plan (QASP) for all testing and monitoring activities. Please prepare and include a QASP in the permit application.

Please submit the above requested information by January 7, 2022. If you have any questions about this letter, please contact me at (415) 972-3971 or call Calvin Ho at (415) 972-3262.

Sincerely,

David Albright
Manager, Groundwater Protection Section

cc (via email): Chris Jones, CalGEM Inland District
Clay Rodgers, Central Valley Regional Water Quality Control Board
John Borkovich, CA State Water Resources Control Board
Amit Garg, CalGEM